

REFERENCE TITLE: driver licenses; permits; minors

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2152

Introduced by
Representative Biggs

AN ACT

AMENDING SECTIONS 28-3153, 28-3154, 28-3156, 28-3162 AND 28-3174, ARIZONA
REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, is amended to
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided by
11 this chapter to a person who is at least fifteen years and ~~seven~~ SIX months
12 of age.

13 (c) A class G or M license as provided by this chapter to a person who
14 is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who is
16 under eighteen years of age and who has been tried in adult court and
17 convicted of a second or subsequent violation of criminal damage to property
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
19 felony offense in the commission of which a motor vehicle is used, including
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
21 of transportation pursuant to section 13-1803 or theft of means of
22 transportation pursuant to section 13-1814, or who has been adjudicated
23 delinquent for a second or subsequent act that would constitute criminal
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
25 adjudicated delinquent for an act that would constitute a felony offense in
26 the commission of which a motor vehicle is used, including theft of a motor
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation
28 pursuant to section 13-1803 or theft of means of transportation pursuant to
29 section 13-1814, if committed by an adult.

30 3. A class A, B or C license to a person who is under twenty-one years
31 of age, except that the department may issue a class A, B or C license that
32 is restricted to only intrastate driving to a person who is at least eighteen
33 years of age.

34 4. A license to a person whose license or driving privilege has been
35 suspended, during the suspension period.

36 5. Except as provided in section 28-3315, a license to a person whose
37 license or driving privilege has been revoked.

38 6. A class A, B or C license to a person who has been disqualified
39 from obtaining a commercial driver license.

40 7. A license to a person who on application notifies the department
41 that the person is an alcoholic as defined in section 36-2021 or a drug
42 dependent person as defined in section 36-2501, unless the person
43 successfully completes the medical screening process pursuant to section
44 28-3052 or submits a medical examination report that includes a current
45 evaluation from a substance abuse counselor indicating that, in the opinion

1 of the counselor, the condition does not affect or impair the person's
2 ability to safely operate a motor vehicle.

3 8. A license to a person who has been adjudged to be incapacitated
4 pursuant to section 14-5304 and who at the time of application has not
5 obtained either a court order that allows the person to drive or a
6 termination of incapacity as provided by law.

7 9. A license to a person who is required by this chapter to take an
8 examination unless the person successfully passes the examination.

9 10. A license to a person who is required under the motor vehicle
10 financial responsibility laws of this state to deposit proof of financial
11 responsibility and who has not deposited the proof.

12 11. A license to a person if the department has good cause to believe
13 that the operation of a motor vehicle on the highways by the person would
14 threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to be
16 suspended pursuant to section 25-518.

17 13. A class A, B or C license to a person whose license or driving
18 privilege has been canceled until the cause for the cancellation has been
19 removed.

20 14. A class A, B or C license or instruction permit to a person whose
21 state of domicile is not this state.

22 B. The department shall not issue a driver license to or renew the
23 driver license of the following persons:

24 1. A person about whom the court notifies the department that the
25 person violated the person's written promise to appear in court when charged
26 with a violation of the motor vehicle laws of this state until the department
27 receives notification in a manner approved by the department that the person
28 appeared either voluntarily or involuntarily or that the case has been
29 adjudicated, that the case is being appealed or that the case has otherwise
30 been disposed of as provided by law.

31 2. If notified pursuant to section 28-1601, a person who fails to pay
32 a civil penalty as provided in section 28-1601, except for a parking
33 violation, until the department receives notification in a manner approved by
34 the department that the person paid the civil penalty, that the case is being
35 appealed or that the case has otherwise been disposed of as provided by law.

36 C. The magistrate or the clerk of the court shall provide the
37 notification to the department prescribed by subsection B of this section.

38 D. Notwithstanding any other law, the department shall not issue to or
39 renew a driver license or nonoperating identification license for a person
40 who does not submit proof satisfactory to the department that the applicant's
41 presence in the United States is authorized under federal law. For an
42 application for a driver license or a nonoperating identification license,
43 the department shall not accept as a primary source of identification a
44 driver license issued by a state if the state does not require that a driver
45 licensed in that state be lawfully present in the United States under federal

1 law. The director shall adopt rules necessary to carry out the purposes of
2 this subsection. The rules shall include procedures for:

3 1. Verification that the applicant's presence in the United States is
4 authorized under federal law.

5 2. Issuance of a temporary driver permit pursuant to section 28-3157
6 pending verification of the applicant's status in the United States.

7 Sec. 2. Section 28-3154, Arizona Revised Statutes, is amended to read:
8 28-3154. Instruction permit for a class D or G license

9 A. A person who is at least fifteen years and ~~seven~~ SIX months of age
10 may apply to the department for an instruction permit for a class D or G
11 license. The department may issue an instruction permit to the applicant
12 after the applicant successfully passes all parts of the examination other
13 than the driving test.

14 B. The instruction permit entitles the permittee to drive a motor
15 vehicle requiring a class D or G license on the public highways for twelve
16 months when both of the following conditions are met:

17 1. The permittee has the permit in the permittee's immediate
18 possession.

19 2. The permittee is accompanied by a person who has a class A, B, C or
20 D license, **WHO IS AT LEAST TWENTY-ONE YEARS OF AGE** and who occupies a seat
21 beside the permittee.

22 Sec. 3. Section 28-3156, Arizona Revised Statutes, is amended to read:
23 28-3156. Class M instruction permit

24 A. A person who is at least fifteen years and ~~seven~~ SIX months of age
25 may apply to the department for an instruction permit for a class M
26 license. The department may issue an instruction permit to the applicant
27 after the applicant successfully passes all parts of the examination other
28 than the motorcycle skill test.

29 B. The permit entitles the permittee to operate a motorcycle requiring
30 a class M license or endorsement when the permittee has the permit in the
31 permittee's immediate possession. The permit is valid for six months from
32 the date of issuance.

33 C. The permittee shall not operate a motorcycle as follows:

34 1. On a controlled access highway as defined in section 28-601.

35 2. On a public highway from sunset to sunrise or when there is
36 insufficient light to clearly discern a person and a vehicle on the highway
37 at a distance of five hundred feet.

38 D. The department shall not issue more than two class M permits to the
39 same person within twenty-four months.

40 Sec. 4. Section 28-3162, Arizona Revised Statutes, is amended to read:
41 28-3162. Cancellation of minor's driver license; release from

42 liability

43 A. A person who signs the application of a minor for a driver license
44 **OR WHO IS RESPONSIBLE FOR THE MINOR'S ACTIONS PURSUANT TO SECTION 28-3160** may
45 file with the department a verified written request that the department

1 cancel the driver license of the minor. On receipt of the request, the
2 department shall cancel the driver license of the minor and the person who
3 signed the application of the minor ~~is~~ **AND THE PERSON WHO IS RESPONSIBLE FOR**
4 **THE MINOR'S ACTIONS PURSUANT TO SECTION 28-3160 ARE** released from the
5 liability for subsequent negligence or wilful misconduct of the minor in
6 operating a motor vehicle.

7 B. A parent of a minor who applies for a driver license may file a
8 verified written request to cancel the driver license if the parent has
9 custody of the minor and if the parent is subject to section 28-3160,
10 subsection A **OR C** but does not sign the application. **ON RECEIPT OF THE**
11 **REQUEST, THE DEPARTMENT SHALL CANCEL THE MINOR'S DRIVER LICENSE.**

12 C. On receipt of satisfactory evidence of the death of the person or
13 persons who signed the application of a minor for a driver license, the
14 department shall cancel the driver license and shall not issue a new license
15 until a new application is made, duly signed and verified as required by this
16 chapter. This subsection does not apply if the minor has reached eighteen
17 years of age.

18 Sec. 5. Section 28-3174, Arizona Revised Statutes, is amended to read:
19 **28-3174. Class G driver licenses; motorcycles**

20 A. A person who is under eighteen years of age may apply to the
21 department for a class G driver license if all of the following apply:

22 1. The person is at least sixteen years of age.

23 2. The person has a valid instruction permit issued pursuant to this
24 article and the person has held the instruction permit for at least ~~five~~ **SIX**
25 months, except that this requirement does not apply to a person who has a
26 currently valid driver license issued by another jurisdiction.

27 3. Either:

28 (a) The person has satisfactorily completed a driver education program
29 that is approved by the department of transportation. If the driver
30 education program is offered by a public high school, the program shall be
31 approved by the department of transportation in consultation with the
32 department of education.

33 (b) A custodial parent or guardian of the person certifies in writing
34 to the department that the applicant has completed at least ~~twenty-five~~ **FIFTY**
35 hours of supervised driving practice and that at least ~~five~~ **FIFTEEN** of the
36 required practice hours were at night.

37 B. If the applicant successfully passes the examination prescribed in
38 section 28-3164 and satisfies the requirements prescribed in subsection A of
39 this section, the department may issue a class G driver license to the
40 applicant.

41 C. A class G driver license entitles the licensee to drive a motor
42 vehicle that requires a class G license on the public highways.

43 D. A person who holds a class G driver license may apply for a class D
44 license on or after the person's eighteenth birthday, except that a person
45 whose class G driver license is suspended pursuant to section 28-3321 is not

1 entitled to receive a class D driver license until after the suspension
2 period expires.

3 E. If a person who is under eighteen years of age and at least sixteen
4 years of age applies for a class M license or a motorcycle endorsement, the
5 department shall not issue the class M license or motorcycle endorsement to
6 the person unless both of the following apply:

7 1. The applicant has held an instruction permit issued pursuant to
8 section 28-3156 for at least ~~five~~ SIX months, except that this requirement
9 does not apply to a person who has a currently valid motorcycle driver
10 license or endorsement issued by another jurisdiction.

11 2. Either:

12 (a) The person has satisfactorily completed a motorcycle driver
13 education program that is approved by the department. If the driver
14 education program is offered by a public high school, the program shall be
15 approved by the department of transportation in consultation with the
16 department of education.

17 (b) A custodial parent or guardian of the person certifies in writing
18 to the department that the applicant has completed at least ~~twenty-five~~ FIFTY
19 hours of motorcycle driving practice.